

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No.22840 OF 2007

Between:

M/s The Chodavaram Co. operative Sugars Limited
Visakhapatnam District ... Petitioner

And

<u>1. The Commercial Tax Officer</u>		
Visakhapatnam and 3 others	...	Respondents

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-
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ORDER: (per Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the 3rd respondent. It is submitted that in the mean time a garnishee order has been issued. We have gone through the record. We feel that the interests of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of four weeks from today. For four weeks, there shall be an unconditional stay and stay shall continue till disposal of appeal, provided the amount is deposited within the stipulated time. The deposit of amount shall be without prejudice to the rights of the petitioner in appeal. If any amount has already been paid by the petitioner, the same shall be given credit.

The garnishee order is set aside and the Writ Petition is disposed of accordingly. No costs.

BILAL NAZKI, J

29-10-2007

RAMESH RANGANATHAN, J

Note:
Issue wire at party's costs
B/o
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